§ 558.355(f)(3)(v) (21 CFR 558.355(f)(3)(v)) to make Type C medicated, free choice, protein-mineral blocks. The blocks are administered to cattle (slaughter, stocker, feeder, and dairy and beef replacement heifers weighing more than 400 pounds) on pasture at 50 to 200 milligrams of monensin per head per day for increased rate of weight gain.

The supplemental NADA is approved as of September 20, 1993, and the regulations are amended in paragraph (b)(13) of § 558.355 to reflect the approval.

Under 21 CFR 514.106(b)(1), this is a Category I supplement that did not require reevaluation of the underlying safety and effectiveness data in the parent application. The approved uses of the product and labeling have not been changed. Because the sponsor was not required to submit new safety and effectiveness data, a freedom of information summary was not required.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food producing animals does not qualify for marketing exclusivity because the supplemental application does not contain reports of new clinical or field investigations (other than bioequivalence or residue studies) and human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.355 is amended by revising paragraph (b)(13) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(13) To 021930: 60 and 80 grams per pound, paragraph (f)(3)(v) of this section.

* * * * *

Dated: October 8, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93–25604 Filed 10–18–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 725

Release of Official Information for Litigation

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This regulation assigns responsibilities to Department of the Navy (DON) personnel in responding to requests from members of the public for official DON information (testimonial, documentary, or otherwise) in connection with litigation. It does not apply to requests unrelated to litigation or pursuant to the Freedom of Information Act or the Privacy Act. The publication of this DON instruction will assist members of the public in submitting such requests. It implements Department of Defense Directive 5405.2 of July 23, 1985, codified in 32 CFR part 97, regarding the release of official information in connection with litigation. It restates the requirements contained in Secretary of the Navy Instruction 5820.8A of August 27, 1991, and is intended to conform to that instruction in all respects.

EFFECTIVE DATES: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Captain Peter C. Wylie, JAGC, U.S. Navy, Office of the Judge Advocate General, General Litigation Division, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone: (703) 325–9870.

SUPPLEMENTARY INFORMATION:

(a) Purpose of the Regulation

This regulation establishes policy, assigns responsibilities, and prescribes procedures for responding to requests for the release of official DON information, including testimony by DON personnel as witnesses, in connection with actual or contemplated litigation. In addition to providing an orderly means for obtaining information needed in litigation to members of the public, its provisions also protect the interests of the United States, including the safeguarding of classified and privileged information. This regulation ensures that responses to litigation requests are provided in a manner that does not prevent the accomplishment of the mission of the command or activity affected. It sets forth the proper content of a request received from a member of the public for release of official DON information in connection with litigation and indicates the factors to be considered in deciding whether to authorize the release of official DON information or the testimony of DON concerning official information. The regulation also prescribes the conduct of DON personnel in response to a litigation request or demand.

(b) Impact of the Regulation

The regulation is not a "major rule" as defined by Executive order 12291. Therefore, no regulatory impact analysis has been prepared. The DON certifies that this regulation will not have an impact on a significant number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared. The regulation has no collection of information requirements and does not require the approval of OMB under 44 U.S.C. 3501 *et seq.* This regulation is not subject to the relevant provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and does not contain reporting or record-keeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

(c) Request for Comments

Because it merely imposed technical requirements in which the public is not particularly interested or involved, this regulation appeared in the **Federal Register** on January 22, 1992 (57 FR 2462), as an interim rule, effective on publication. No public comments were received about this regulation in the 30 day period designated for that purpose in the interim rule ending February 21, 1992. No changes have been made to this regulation.

List of Subjects in 32 CFR Part 725

Courts, Government employees, Litigation requests, Subpoenas.

PART 725—RELEASE OF OFFICIAL INFORMATION FOR LITIGATION

Accordingly, the interim rule amending 32 CFR part 725 which was published at 57 FR 2462 on January 22,

1992, is adopted as a final rule without change.

Dated: October 7, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–25574 Filed 10–18–93; 8:45 am]

BILLING CODE 3810–AE–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–93–134]

Safety Zone; Deepavali Fireworks Festival, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Deepavali fireworks program located in the East River. This event is sponsored by the Association of Indians in America, Inc. and will take place on Sunday, October 24, 1993, from 6:30 p.m. until 7:30 p.m. This safety zone is needed to protect the boating public from the hazards associated with fireworks exploding in the area.

EFFECTIVE DATES: This rule is effective from 6;30 p.m. until 7:30 p.m. on October 24, 1993.

FOR FURTHER INFORMATION CONTACT: LT R. Trabocchi, Project Manager, Captain of the Port, New York (212) 668–7933.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LT R. Trabocchi, Project Manager, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Due to the date this application was received, there was not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the event could be contrary to public interest since the fireworks display is for public viewing.

Background and Purpose

On September 14, 1993, the Association of Indians in America, Inc. submitted an application to hold a fireworks program in the East River off of the South Street Seaport, between Pier 16, Manhattan and Pier 1, Brooklyn, New York. This regulation establishes a temporary safety zone in the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6, Brooklyn to the Coast Guard ferry slip in Manhattan. This safety zone is being established to protect boaters from the hazards associated with the explosion of fireworks in the area. No vessel will be permitted to enter or move within this area unless authorized to do so by the Coast Guard Captain of the Port, New York.

Regulatory Evaluation

This is not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). No vessel traffic will be permitted to transit the East River south of the Brooklyn Bridge. Though there is regular traffic through this area, due to the limited duration of the event, the extensive advisories that will be made to the affected maritime community, and that pleasure craft can take an alternate route via the Hudson and Harlem Rivers, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexiblity Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety and is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulations

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5, 49 CFR 1.46.

2. A temporary § 165.T01–134 is added to read as follows:

§ 165.T01–134 Deepavali Fireworks Festival, East River, New York.

(a) *Location.* This temporary safety zone includes all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6, Brooklyn to the Coast Guard ferry slip in Manhattan.

(b) *Effective period.* This section is effective from 6:30 p.m. until 7:30 p.m. on October 24, 1993.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area during the effective period of this section unless participating in the event as authorized by the Coast Guard Captain of the Port, New York.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Coast Guard Auxiliary members may be present to inform vessel operators of this section and other applicable laws.

Dated: October 1, 1993.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 93-25652 Filed 10-18-93; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 27-1-6058; FRL-4783-5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Knoll Group, a Wood Furniture Surface Coater

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the Knoll Group (Knoll), a wood furniture surface coater located in Montgomery County, Pennsylvania, which is part of the Philadelphia severe ozone nonattainment area, to implement reasonably available control technology (RACT). The intended effect of this action is to approve source specific RACT requirements for Knoll, which is a major emitting source of volatile organic compounds (VOCs). This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on November 18, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; U.S. Environmental Protection Agency, Jerry Kurtzweg ANR-443, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: On August 12, 1993 (58 FR 42914), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of reasonably available control technology (RACT) requirements for Knoll Group, a wood furniture surfacer coater located in the Philadelphia severe ozone nonattainment area. The formal SIP revision was submitted by Pennsylvania on March 29, 1993 and consisted of a plan approval (no. 46-326-001A) and an operating permit (no. 46-326-001A) for Knoll.

This source specific SIP revision would allow Knoll to meet certain coating emission standards by averaging its emissions across twenty-six wood furniture coating lines on a production-weighted basis. Knoll is required to calculate its allowable emissions on a daily basis. Recordkeeping and reporting requirements are also contained in the plan approval and operating permit.

Other specific elements of the RACT determination for Knoll and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Under part D of the Clean Air Act, Pennsylvania is required to submit RACT regulations for all major sources of VOC in the Pennsylvania portion of the Philadelphia ozone nonattainment area, which consists of Philadelphia, Delaware, Montgomery, Chester and Bucks Counties in Pennsylvania. A major VOC sources is defined as a source which emits or has the potential to emit 100 tons or more of VOC per year. Wood furniture surface coating was a category identified by Pennsylvania as one containing major sources for which RACT requirements were needed. Pennsylvania determined that Knoll Group was the only major source for wood furniture surface coating in the Philadelphia nonattainment area. Therefore, by Pennsylvania's submittal of the plan approval and operating permit for Knoll and EPA's approval of the requirements contained in those documents as RACT for Knoll, Pennsylvania has met its obligations under part D to implement RACT for this source category.

Final Action

EPA is approving Pennsylvania's plan approval no. 46-326-001A and operating permit no. 46-326-001A as RACT for Knoll as a revision to the Pennsylvania SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, pertaining to the approval of RACT requirements for the wood furniture surface coater, Knoll Group, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: September 21, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(87) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(87) Revisions to the Pennsylvania State Implementation Plan submitted on March 29, 1993 by the Pennsylvania

Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of March 22, 1993 from the Pennsylvania Department of Environmental Resources transmitting plan approval no. 46–326–001A and operating permit no. 46–326–001A for Knoll Group, P.O. Box 157, East Greenville, PA.

(B) Plan approval no. 46–326–001A and operating permit no. 46–326–001A which consist of emission standards, operating conditions and recordkeeping requirements applicable to Knoll Group, a wood furniture surface coater located in Montgomery County, PA, which is in the Philadelphia severe ozone nonattainment area. These requirements together are being approved as reasonably available control technology (RACT) for this wood furniture surface coater. The effective date of the plan approval and the operating permit is March 24, 1993.

(ii) Additional material.

(A) Remainder of March 29, 1993 Pennsylvania submittal consisting of a Background Information document prepared by Pennsylvania in support of the RACT proposal for Knoll, an evaluation of control options performed for Knoll by a contractor, public comments and responses, and a chart and computer diskette (LOTUS 1–2–3) showing how RACT calculations will be performed.

[FR Doc. 93–25664 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–F

---

40 CFR Part 81

[MT16–1–5699; FRL–4789–2]

Designation of Area for Air Quality Planning Purposes; Montana; Designation of Whitefish PM10 Nonattainment Area

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act (Act), EPA is taking final action to redesignate a portion of Flathead County, Montana as nonattainment for the PM10 (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) national ambient air quality standards (NAAQS).

EFFECTIVE DATE: November 18, 1993.

ADDRESSES: Information supporting this action can be found at the following location: EPA Region VIII, Air Programs Branch, 999 18th Street, 6th Floor, South Tower, Denver, Colorado 80202–2466.

The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Callie Videtich, Air Programs Branch, EPA Region VIII, 999 18th Street, suite 500, Denver, Colorado, 80202–2405, (303) 293–1754.

SUPPLEMENTARY INFORMATION:

I. General

The EPA is authorized to redesignate areas (or portions thereof) as nonattainment for PM10 pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.

Following the process outlined in section 107(d)(3), on July 16, 1992, the Administrator of EPA Region VIII notified the Governor of Montana that EPA believed that the area around Whitefish should be redesignated as nonattainment for PM10. Under section 107(d)(3)(B), the Governor of Montana was required to submit to EPA the designation he considered appropriate for the area around Whitefish within 120 days after EPA's notification. The EPA received the State's response for Whitefish, Montana on November 13, 1992. The EPA proceeded to propose redesignation to nonattainment for Whitefish (see 58 FR 36908–36910, July 9, 1993). The EPA is taking final action as proposed.

Section 107(d)(1)(A) sets out definitions of nonattainment, attainment, and unclassifiable. The EPA is finalizing the redesignation of Whitefish, Montana to nonattainment. A nonattainment area is defined as any area that does not meet (or that significantly contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for PM10 [1] (see section 107(d)(1)(A)(i)). Thus, in determining the appropriate boundaries for the nonattainment area addressed in this final rule, EPA has considered not only the area where the violations of the PM10 NAAQS have been monitored, but nearby areas which significantly contribute to such violations.

II. Background for PM10

On July 1, 1987, the EPA revised the NAAQS for particulate matter (52 FR 24634), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM10, that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set forth the regulations for implementing the revised particulate matter standards and announced EPA's State implementation plan (SIP) development policy, elaborating PM10 control strategies necessary to assure attainment and maintenance of the PM10 NAAQS (see generally 52 FR 24672). The EPA adopted a PM10 SIP development policy dividing all areas of the country into three categories based upon their probability of violating the new NAAQS: (1) Areas with a strong likelihood of violating the new PM10 NAAQS and requiring substantial SIP adjustment were placed in Group I; (2) areas which may have been attaining the PM10 NAAQS and whose existing SIPs most likely needed less adjustment were placed in Group II; and (3) areas with a strong likelihood of attaining the PM10 NAAQS and, therefore, needing adjustments only to their preconstruction review program and monitoring network were placed in Group III (52 FR 24672, 24679–24682). At that time, Whitefish was categorized as a Group III area.

Pursuant to section 107(d)(4)(B) and 188(a) of the Act, areas previously identified as Group I (55 FR 45799, October 31, 1990) and other areas which had monitored violations of the PM10 NAAQS prior to January 1, 1989, were, by operation of law upon enactment of the 1990 Amendments, designated nonattainment and classified as moderate for PM10. All other areas of the country, such as the Whitefish area, were similarly designated unclassifiable for PM10. (See section 107(d)(4)(B)(iii) of the Act; 40 CFR 81.327 (1992) as amended by 57 FR 56762, 56772 (Nov. 30, 1992) (PM10 designations for Montana).) In this action, EPA is redesignating as nonattainment, Whitefish, Montana which was previously designated as unclassifiable.

III. Response to Comments

In the July 9, 1993 proposal for today's action, EPA provided a 30-day comment period ending on August 9, 1993, in order to solicit public comments on all aspects of the proposal. EPA received no comments on the proposal.

IV. Significance of This Action for Whitefish, Montana

Whitefish, Montana, is designated as nonattainment in this action, is subject

[1] The EPA has construed the definition of nonattainment area to require some material or significant contribution to a violation in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.

to the applicable requirements of part D, title I of the Act and will be classified as moderate by operation of law (see section 188(a) of the Act). Within 18 months of the designation, Montana is required to submit to EPA an implementation plan for Whitefish containing, among other things, the following requirements: (1) Provisions to assure that reasonably available control measures (including reasonably available control technology) are implemented within 4 years of the redesignation; (2) a permit program meeting the requirements of section 173 governing the construction and operation of new and modified major stationary sources of PM10; (3) quantitative milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section 171(l), toward timely attainment; and (4) either a demonstration (including air quality modeling) that the plan will provide for attainment of the PM10 NAAQS as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment, or a demonstration that attainment by such date is impracticable (see. e.g, sections 188(c), 189(a), 189(c) and 172(c) of the Act). The EPA has issued detailed guidance on the statutory requirements applicable to moderate PM10 nonattainment areas (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)).

The State is also required to submit contingency measures, pursuant to section 172(c)(9) of the Act, which are to take effect without further action by the State or EPA, upon a determination by EPA that an area has failed to make reasonable further progress or attain the PM10 NAAQS by the applicable attainment date (see 57 FR 13510–13512 and 13543–13544). The EPA is establishing the schedule for submission of contingency measures as called for in section 172(b) of the Act. Montana is to submit contingency measures for Whitefish within 18 months of designation.

VI. Miscellaneous

A. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities (5 U.S.C. 605(b)). Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to nonattainment under section 107(d)(3) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the planning status of a geographical area and does not in itself, impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time Montana submits those regulations. I certify that approval of the redesignation request will not affect a substantial number of small entities.

B. Executive Order 12291

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has continued the temporary waiver until such time as it rules on EPA's request.

C. Section 307(b)(1)

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7407, 7501–7515, 7601.

Dated: October 1, 1993.

Jack W. McGraw,

Acting Regional Administrator.

PART 81—[AMENDED]

40 CFR part 81 is amended as follows:

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.327 is amended by amending the attainment status designation table for PM10 to add an entry to "Flathead County" to read as follows:

§ 81.327 Montana.

* * * * *

MONTANA—PM 10 NONATTAINMENT AREAS

Designated area	Designation date	Designation type	Classification date	Classification type
* * *	*	*	*	*
Flathead County— * * *				
The City of Whitefish and surrounding vicinity bounded by lines from Universal Transmercator (UTM) coordinates 695000 mE, 5370000 mN, east to 699000 mE, 5370000 mN, south to 699000 mE, 5361000 mN, west to 695000 mN, 5361000 mN, and north to 695000 mE, 5370000 mN.	Nov. 18, 1993	Nonattainment	Nov. 18, 1993	Moderate.
* * *	*	*	*	*

* * * * *

[FR Doc. 93-25611 Filed 10-18-93; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 81

[FRL-4785-9]

State Implementation Plans for Nonattainment Areas for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice announcing findings of failure to submit required State implementation plans (SIP's) for lead.

SUMMARY: The EPA gives notice that it has made a finding, under the Clean Air Act (Act), triggering the 18-month clock for imposition of sanctions and the 24-month Federal implementation plan (FIP) clock for each State listed in Table A. The EPA has determined that each State has failed to submit an implementation plan for lead as required under the provisions of the Act. This notice addresses the requirement under the Act that any State containing an area designated nonattainment with respect to the primary national ambient air quality standard (NAAQS) for lead shall submit to EPA, within 18 months of the date of the designation, an applicable implementation plan meeting the requirements of part D, title I, of the Act.

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be addressed to Laura D. McKelvey, Air Quality Management Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-5497. For questions related to a specific area, please contact the appropriate Regional Office listed below.

ADDRESSES:

Regional offices	States
Gale Wright, Chief, Air Programs Branch, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7681.	Missouri, Nebraska.
Douglas M. Skie, Chief, Air Programs Branch, EPA Region VIII, 999 18th Street—Suite 500, Denver, Colorado 80202-2405, (303) 293-1750.	Montana.
Douglas Neeley, Chief, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2864.	Tennessee.

SUPPLEMENTARY INFORMATION:

I. Background

In a **Federal Register** notice published on November 6, 1991, 12 areas were designated as nonattainment for lead under section 107(d)(5) of the Act [1] (56 FR 56694, November 6, 1991). These initial nonattainment areas were codified in 40 CFR part 81 and became effective January 6, 1992. The States were required to submit implementation plans for these areas meeting the requirements of part D, title I, of the Act (section 191(b)). These implementation plans were required to meet the requirements of subparts 1 (nonattainment areas in general) and 5 (requirements specific to lead) of part D, title I; were required to be submitted within 18 months of the nonattainment designation (i.e., by July 6, 1993); and must provide for attainment of the lead NAAQS as expeditiously as practicable, but no later than 5 years from the nonattaiment designation (see sections 191(a) and 192(a) of the Act).

The Act establishes specific consequences if a State fails to meet certain requirements. Of particular relevance here is section 179 of the Act. Section 179 contains the provisions for mandatory application of sanctions. Section 179(a) sets forth the various findings upon which application of a sanction is based. The finding that a State has failed, for an area designated nonattainment, to submit a plan required under the Act is the finding relevant to this announcement.

Today EPA is announcing its previous determination that four States have failed to submit a required plan for a lead nonattainment area within the State. Under section 179(a), one of the sanctions specified in section 179(b), as selected by the Administrator, will be imposed 18 months after the finding unless EPA determines within that 18-month period that a complete submittal has been made. If the State still has failed to make a complete submittal after 6 months later, then the second sanction specified in section 179(b) will be imposed. In addition, a finding of failure to submit triggers the FIP requirement of section 110(c)(1).

II. States for Which EPA Is Making a Finding

A. Montana

On June 18, 1993, a letter was sent from Region VIII's Air Division Director to the Administrator of Montana's Environmental Sciences Division explaining the procedure the EPA intended to use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. On August 2, 1993, EPA carried out one step of this procedure and made a finding pursuant to section 179(a) of the amended Act that Montana had failed to submit a lead SIP by July 6, 1993 for the East Helena lead nonattainment area (see 40 CFR 81.327 (specifying lead nonattainment designation and boundaries for the city of East Helena and the vicinity)).

B. Missouri and Nebraska

On August 3, 1992, a letter was sent from Region VII's Air Division Director to Missouri's Director of Environmental Quality referencing the procedures EPA would use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. A letter outlining this policy was also sent from Region VII's Air Branch Chief to the Assistant Director of the Air and Waste Management Division of Nebraska's Department of Environmental Quality on February 10, 1993. On August 2, 1993, EPA made a finding, pursuant to section 179(a) of the Act, that the States of Missouri and Nebraska had failed to submit a lead SIP for their respective lead nonattainment areas by July 6, 1993. These nonattainment areas are a portion of Iron County, Missouri (Liberty and Arcadia Townships), as specified at 40 CFR 81.328, and a portion of Douglas County, Nebraska, as specified at 40 CFR 81.328.

C. Tennessee

In July 1993, Region IV had conversations with both the Director of the Tennessee Division of Air Pollution Control and the Manager of the Memphis-Shelby County Air Pollution Control Section explaining the procedure EPA would use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. On August 2, 1993, EPA carried out one step of this procedure and made a finding pursuant to section 179(a) of the Act that Tennessee had failed to submit a lead SIP by July 6, 1993 for the Shelby County lead nonattainment area (see 40 CFR 81.343 (specifying lead nonattainment designations and boundaries for that portion of Shelby County designated nonattainment)).

III. Conclusion

The EPA has made findings under section 179(a)(1) of the Act that the States listed in Table A failed to submit

[1] References herein are to the amended Clean Air Act ("the Act" or "CAA"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, et seq.

a plan as required under section 191(a) of the Act.

The EPA is not required to go through notice-and-comment rulemaking under the Administrative Procedure Act (APA), 5 U.S.C. 551, *et seq.*, when making findings of failure to submit under section 179(a)(1). Under section 110(k)(1), the Act provides EPA with a 60-day period in which to determine whether a submittal is complete. The EPA makes this completeness determination by letter sent to the State. However, prior to determining whether something is complete, EPA must determine whether the State made a submittal or whether the State failed to submit the required SIP element or elements. Therefore, EPA must make such a determination prior to the time that the Agency would be required to determine whether a submittal is complete. Since EPA has less than 60 days to determine whether a State failed to make a required submittal, and it is impossible to provide notice-and-comment in 60 days, EPA believes that Congress clearly intended that EPA should not go through notice-and-comment rulemaking prior to making the finding.

In addition, even if EPA's findings of failure to submit were subject to rulemaking procedures under the APA, EPA believes that the good cause exception to the rulemaking requirement applies (APA section 553(b)(B)). Section 553(b)(B) of the APA provides that the Agency need not provide notice and an opportunity for comment if the Agency, for good cause, determines that notice and comment are "impracticable, unnecessary, or contrary to the public interest." In the present circumstance, notice and comment are unnecessary. The finding of failure to submit does not require any judgment on the part of the Agency. The issue is clear in that the Agency must state whether or not it has received any submittal from the State in response to a specific statutory requirement. No substantive review is required for such a determination. If the Agency has received a submittal, it will perform a completeness determination. If the Agency has not received anything, then the State has failed to submit the required rules under section 179(a)(1). The Agency is the only judge of whether or not it has received the submittal. The public does not have access to this information and, therefore, cannot provide relevant comment on whether EPA has received a document from the State. Because there is nothing on which to comment, notice-and-comment rulemaking are unnecessary.

Authority: 42 U.S.C. 7502, 7509(a) and (b), 7514, 7514a, and 7601.

Dated: October 4, 1993.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

TABLE A.—STATES FOUND TO HAVE FAILED TO SUBMIT SIP'S FOR THE FOLLOWING LEAD NONATTAINMENT AREAS [1]

State	Area of concern
Montana	City of East Helena, Lewis and Clark County.
Missouri	Liberty and Arcadia Township, Iron County.
Nebraska	Omaha, Douglas County.
Tennessee ...	Memphis, Shelby County.

[1] For efficiency, the full legal boundaries for the areas addressed in today's notice have not been listed. The references to areas in this notice are general and intended to operate as substitutes for the full legal boundaries. The full legal boundaries are set forth in 40 CFR part 81.

[FR Doc. 93–25610 Filed 10–18–93; 8:45 am]
BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–40

[FPMR Amendment G–104]

Transportation of Household Goods

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation retitles the section on the procedures for moving household goods and also revises the section on quality control. The regulation is necessary to reflect changes in GSA's centralized household goods traffic management program which place greater emphasis on the quality of a carrier's performance.

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Jim Warford, Travel and Transportation Management Branch (913–236–2510).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subject in 41 CFR Part 101–40

Freight, Government property management, Moving of household goods, Office relocation, Transportation.

For the reasons set out in the preamble, 41 CFR part 101–40 is amended as follows:

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

1. The authority citation for part 101–40 is amended as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–40.2—Centralized Household Goods Traffic Management Program

2. The heading for § 101–40.203 is revised to read as follows:

§ 101–40.203 Household goods movement procedures.

3. Section 101–40.205 is revised to read as follows:

§ 101–40.205 Quality control.

GSA Form 3080, Household Goods Carrier Evaluation Report (see § 101–40.4902), is a form used by GSA and other agencies for monitoring the performance and quality of household goods carriers' service. When household goods shipments are made under the GBL method, the employee (following delivery of the shipment) should promptly complete his/her portion of GSA form 3080 and send it to the agency GBL issuing officer responsible for the shipment to complete and forward to the Manager, GSA Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Information compiled from completed GSA Forms 3080 is used by GSA and other agencies to evaluate and rate the quality of carrier service and to determine if actions under § 101–40.208 should be considered. Agencies may submit other documentation of instances of inadequate carrier service or performance to the Manager, GSA

Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Sufficient details must be furnished to identify specific shipments.

Dated: September 23, 1993.

Julia M. Stasch,

Acting Administrator of General Services.

[FR Doc. 93–25669 Filed 10–18–93; 8:45 am]

BILLING CODE 6820–24–M

Proposed Rules

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1955 and 1965

RIN 0575–AB17

Transfer of Security Interests and Sales of Inventory on Indian Trust Lands

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to provide direction for transfers of its security interests and sales of its inventory on Indian Trust Lands. This action is taken to comply with the Cranston-Gonzalez National Affordable Housing Act enacted on November 29, 1990. The intended effect of this action is to incorporate the requirements of this law into existing FmHA regulations.

DATES: Comments must be received on or before December 17, 1993.

ADDRESSES: Submit written comments, in duplicate to the office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, U. S. Department of Agriculture, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this publication will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Throne, Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, room 5307, South Agriculture Building, Washington, DC 20250, Telephone (202) 720–1452.

SUPPLEMENTARY INFORMATION:

Classification

This rulemaking action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291 and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprise to compete with foreign based enterprises in domestic or import markets. This action is not expected to substantially affect budget outlay or affect more than one Agency or to be controversial. The net result is to provide better service to an underserved area.

Civil Justice Reform

This regulation has been reviewed in light of E.O. 12778 and meets the applicable standards provided in section 2(a) and 2(b) of that Order. Provisions within this part which are inconsistent with State Law are controlling. All administrative remedies pursuant to 7 CFR part 1900 subpart B must be exhausted prior to filing suit.

Background/Discussion

Public Law 101–625, Cranston-Gonzalez National Affordable Housing Act, dated November 29, 1990, requires that in the case of a defaulted loan involving a security interest in tribal allotted or trust land, liquidations shall only be pursued after offering to transfer the account to an eligible tribal member, the tribe, or the Indian Housing Authority. We interpret eligible tribal member in the statue to mean "member of the particular tribe." This does not mean that the tribal member must be "eligible" under FmHA regulations for a Section 502 rural housing loan, only that the tribal member is a member of the tribe which has jurisdiction over the property involved. In addition, inventory properties must not be sold, transferred or otherwise disposed of except to one of the entities described in the preceding sentences. FmHA is amending its regulations to comply with the provisions of this law. However, the revision will not be effective until FmHA amends its Privacy Act System Notice allowing for this disclosure.

Programs Affected

These programs/activities are listed in the Catalog of Federal Domestic Assistance under Nos.:

10.405 Farm Labor Housing Loans and Grants
10.411 Rural Housing Site Loans (Section 523 and 524 Site Loans)
10.415 Rural Rental Housing Loans

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR part 2015, subpart V, the following programs are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials: 10.404–Emergency Loans; 10.406–Farm Operating Loans; 10.407–Farm Ownership Loans; 10.416–Soil and Water Loans. However, this activity impacts the following programs which are subject to intergovernmental consultation with State and local officials: 10.405–Farm Labor Housing Loans and Grants; 10.411–Rural Housing Site Loans (Section 523 and 524 Site Loans); 10.415–Rural Rental Housing Loans.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program.

List of Subjects

7 CFR Part 1955

Government acquired property, Sale of Government acquired property, Surplus Government property, Disposal of acquired property.

7 CFR Part 1965

Administrative practice and procedure, Low and moderate income housing-Rental, Mortgages, Rural areas, Loan programs—Housing and Community development.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is proposed to be amended as follows:

PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart C—Disposal of Inventory Property

2. In § 1955.144, paragraph (c) is added to read as follows:

§ 1955.144 Disposal of NP or surplus property to, through, or acquisition from other agencies.

* * * * *

(c) *Indian trust land.* Inventory property, which is located on Indian tribal allotted or trust land, will be sold, or otherwise disposed of only to a member of the particular tribe having jurisdiction over the allotted or tribal land, the tribe, or to an Indian housing authority serving the tribe on a first come, first served basis. The listing price will be determined in accordance with § 1955.113 of this subpart, except additional 10 percent administrative price reductions are authorized at successive 75-day intervals until the property is sold.

PART 1965—REAL PROPERTY

3. The authority citation for part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Security Servicing for Multiple Housing Loans

4. In § 1965.85, paragraph (d) is revised to read as follows:

§ 1965.85 Default and liquidation.

* * * * *

(d) *Nonmonetary defaults.* Attempts to resolve monetary defaults should be handled whenever possible at the District Office level with appropriate guidance and assistance from the State Office. The State Director should confer with OGC to determine the appropriate servicing actions in those cases where nonmonetary defaults cannot be resolved at the District level. These actions may include liquidation of the account. If the property is Indian tribal allotted or trust land, the District Director will alert the State Director, and liquidation shall only be pursued after offering to transfer the account to eligible tribal members, the tribe and the Indian housing authority serving the tribe.

* * * * *

5. Section 1965.85(e)(7) is amended by changing the reference "Form FmHA 465–7" to "Form FmHA 1955–2."

Subpart C—Security Servicing for Single Family Rural Housing Loans

6. In § 1965.125, paragraph (b) is revised to read as follows:

§ 1965.125 Liquidation.

* * * * *

(b) *Forced liquidation.* If the borrower will not agree to voluntary liquidation or fails to accomplish it within the time agreed to by FmHA, the County Supervisor will recommend foreclosure in accordance with subpart A of part 1955 of this chapter. Forced liquidation of FmHA security interests in Indian trust lands or on tribal allotted land will be recommended by the County Supervisor after handling the security servicing as outlined in § 1965.130 of this subpart and the State Director has determined that forced liquidation is in the best interest of the Government.

7. In § 1965.128, paragraph (e) is added to read as follows:

§ 1965.128 Assignment of promissory notes and security instruments.

* * * * *

(e) If the property is located within an Indian Reservation, an assignment may be made, with or without the request of the borrower, to the tribe, the Indian Housing Authority, or a member of the tribe upon payment of an amount which is the lesser of the market value or the remaining debt. Account acceleration is not required.

8. Section 1965.130 is added to read as follows:

§ 1965.130 Security interest in Indian trust land.

Security servicing for SFH loans secured by Indian tribal allotted or trust land will be handled in accordance with this section and borrower supervision, servicing and collection will be handled in accordance with subpart G of part 1951 of this chapter, except:

(a) If the account becomes three payments delinquent, the County Supervisor will send FmHA Guide Letter 1965–C–1, and Form FmHA 1965–21, "Inquiry for Assignment of Promissory Note and Security Instruments on Indian Trust Lands," by certified mail to the tribe, and the Indian housing authority serving the tribe. This guide letter will contain:

(1) The name and address of the borrower, and a brief legal description of the security property.

(2) The right of the FmHA borrower to sell the security property to whomever they wish, including the tribe, a member of the tribe, or the Indian housing authority serving the tribe and the possibility that the transferee may be able to assume the FmHA loan on program or nonprogram rates and terms in accordance with § 1965.126 of this subpart.

(3) The right of the tribe, Indian housing authority or a member of the tribe to be assigned the promissory notes and security instruments on a first come, first served basis in accordance with § 1965.128 of this subpart.

(i) The price for the assignment of FmHA's interest in the loan will be the present market value of the security property or the outstanding balance of the debt, exclusive of recapture, whichever is less, unless FmHA determines that some other amount is more appropriate.

(ii) The borrower need not request assignment and the account need not be accelerated for the account to be assigned to a tribe member, the tribe or Indian housing authority.

(4) A request for the tribe and/or Indian housing authority to assist in accomplishing one of the above.

(b) If a tribal member, the tribe, or Indian housing authority serving the tribe, does not indicate an interest in a transfer or assignment of the loan within a reasonable time agreed upon by FmHA, the County Supervisor may recommend foreclosure in accordance with § 1965.125 of this subpart.

Dated: August 10, 1993.

Bob Nash,

Under Secretary for Small Community and Rural Development.

[FR Doc. 93–25618 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–07–U